

## NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF AGRICULTURE - ADMINISTRATION

1. **Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 1, Department of Agriculture - Administration  
**Article and its heading:** 1, Definitions  
**Section numbers:** R3-1-102
2. **The subject matter of the proposed rule:**  
This new rule will provide the parameters for identifying time requirements observed by the Department. The amended Article name will reflect the diversity of the Article.
3. **A citation to all published notices relating to the proceeding:**  
None.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Shirley Conrad, Rules Specialist  
Address: Arizona Department of Agriculture  
1688 West Adams, Room 124  
Phoenix, Arizona 85007  
  
Telephone: (602) 542-0962  
Fax: (602) 542-5420
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted 8 a.m. to 5 p.m., Monday through Friday, at the location listed in question #4. Oral comments will be heard between 8 a.m. to 4 p.m., Monday through Friday, at the location listed in question #4.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown.

### NOTICE OF RULEMAKING DOCKET OPENING

#### BOARD OF TECHNICAL REGISTRATION

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 30, Board of Technical Registration  
**Article and its heading:** 2, Registration Provisions  
**Section numbers:** R4-30-201, R4-30-202, R4-30-203, R4-30-204, R4-30-208, R4-30-209, and R4-30-210
2. **The subject matter of the proposed rule:**  
The rule lists application requirements and time-frames for professional registration.
3. **A citation to all published notices relating to the proceeding:**  
None.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: LaVern Douglas  
Address: Board of Technical Registration  
1951 West Camelback Road, Suite 250  
Phoenix, Arizona 85037-3470  
  
Telephone: (602) 255-4053  
Fax: (602) 255-4051

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:  
The Board will accept written and oral comments between 8 a.m. and 4 p.m., Monday through Friday at the location listed in question #4.
6. A timetable for agency decisions or other action on the proceeding, if known:  
To be determined.

**NOTICE OF RULEMAKING DOCKET OPENING**

**BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

1. Title and its heading: 4, Professions and Occupations  
Chapter and its heading: 43, Board of Occupational Therapy Examiners  
Article and its heading: 1, General Provisions  
2, Licensure  
3, Hearings  
4, Regulatory Provision  
  
Section numbers: R4-43-101, R4-43-102, R4-43-201, R4-43-202, R4-43-203, R4-43-205, R4-43-206, R4-43-301, and R4-43-402
2. The subject matter of the proposed rule:  
R4-43-101 (Definitions): The words "nonlicensed and other unlicensed personnel" are added to the meaning of persons not licensed who must work under the direct supervision of a licensed occupational therapist. The words "occupational therapy aide, nonlicensed and other unlicensed personnel" are terms that are used interchangeably throughout the statutes and rules. All of the terms have the same meaning, however, heretofore, only the term "occupational therapy aide" was defined.  
  
R4-43-102 (Fees): This proposed rule change will reduce from 1 year to 180 calendar days the period allowed for the reinstatement of an expired license; and incorporate the exception to the non-refundable fee provision enacted under A.R.S. § 41-1077.  
  
R4-43-201 (Initial Application): This proposed rule change will incorporate the change of name of the Agency's national testing agency; provides for a recent statute change which permits a licensee to have their residential address remain confidential from the General Public provided they provide an alternate mailing address; incorporates the mandate that state agencies collect social security numbers of all licensees and annually report them to the Arizona Department of Economic Security for child support verification; provides for some changes to the Board's licensing forms in order to capture the aforementioned information and help clarify information requirements; establishes a deadline for the receipt of an application before a Board meeting in order to give the Board time to appropriately process the application; and establishes a requirement that notification of passing the national examination or of being in good standing with another state licensure board be received directly from the examination agency or the state licensure board where currently or previously licensed.  
  
R4-43-202 (Examination): This proposed rule change will incorporate the name change of the Board's national testing agency; require that proof of passing the national examination be sent and received directly by the Board from the national examination agency to safeguard from the fact that the capability of modern copy machines make falsification a possible security risk.  
  
R4-43-203 (Renewal of License): This proposed rule change will promulgate a requirement that renewal applications be received 5 full state working days prior to a Board meeting to allow for process; provides a place on the application form for an alternate mailing address; provides for a mandatory social security number on the application form, and shortens the period of time an expired licensee may be reinstated from 1 year to 180 calendar days.  
  
R4-43-205 (Inactive License): This proposed rule change will promulgate the fact that a license must be current and in good standing before it can be transferred into inactive status; establishes a deadline for the receipt of an application before a Board meeting to allow time for processing.  
  
R4-43-206 (Procedures for Processing License Applications): This proposed rule change will identify 2 exceptions to R4-43-206(A)(4) which reads "The Board shall not process the application until the applicant has fully complied with the application requirements of A.R.S. Title 32, Chapter 34 and this Article." This proposed rule change will allow the Board to approve the issue of an initial license subject to the receipt of proof of passing the national examination provided that all other requirements for the issue of a license have been met and to approve the issue of a limited permit subject to the receipt of a Direct Supervision Agreement for a Limited Permit form provided that all other requirements for the issue of a limited permit have been met. It also incorporates the provision of A.R.S. § 32-3202, which mandates that a license that is under investigation does not expire or terminate until the investigation is resolved.  
  
R4-43-301 (Hearing Procedures): This proposed rule change will change from 10 days to 20 days after service of a complaint and notice of hearing to answer the allegations of a complaint.  
  
R4-43-402 (Supervision of Occupational Therapy Aides, nonlicensed personnel and other Unlicensed Personnel): This proposed rule change defines the synonymous terms "nonlicensed personnel," "Occupational Therapy Aide" and "other unlicensed personnel" as all meaning the same as they are all utilized interchangeably throughout the statutes and rules.
3. A citation to all published notices relating to the proceeding:

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None.

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Kenneth D. Fink, Executive Director  
Address: Arizona Board of Occupational Therapy Examiners  
1400 West Washington, Suite 240  
Phoenix, Arizona 85007  
Telephone: (602) 542-6784

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted through March 8, 1998. Oral comments will be accepted during open public meetings scheduled for 1:30 p.m., March 13, 1998, April 10, 1998, and May 15, 1998. All meetings will be held in room 250 at the address listed in question #4.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

It is anticipated that a Notice of Proposed Rulemaking will be made during open public meeting held on March 12, 1998. It is anticipated that a Notice of Final Rulemaking will be made during open public meeting held on May 15, 1998, or later. The effective date of the proposed rule will be upon acceptance with the Office of the Secretary of State after May 15, 1998.

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA DEPARTMENT OF INSURANCE**

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 6, Department of Insurance  
**Articles and their headings:** 2, Transaction of Insurance  
**Section numbers:** R20-6-204

**2. Subject Matter of the proposed rule:**

The surplus line rule revisions were necessitated by SB 1031, passed in 1997, that amended the surplus line statutes.

**3. A citation to all published notices relating to the proceeding:**

No previous publications.

**4. The name and address of agency personnel with whom person may communicate regarding the rule:**

Name: Greg Harris  
Address: Arizona Department of Insurance  
2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018  
Telephone: (602) 912-8456  
Fax: (602) 912-8452

**5. The time during which written submission may be made and the time and place where oral comments may be made:**

The Department invites and will accept written comment during regular business hours at the address listed above until the close of the record at 5 p.m. on April 30, 1998, concerning the rule revisions to the surplus line rules.

**6. A timetable for agency decisions or other action in the proceeding:**

The Department expects to adopt these rules by September 1998.